

## 138A. RESIDENTIAL PERMIT PARKING ZONES

138A.01. Establishment Authorized. The Common Council may, following the procedures set forth in section 138A.03, establish a parking zone on a designated street or streets where only a resident or employee of a non-residential facility may lawfully park a vehicle during hours in which parking is restricted by signs.

138A.02. Criteria for Residential Permit Parking Zones. Subdivision 1. No residential permit parking zone shall be established, expanded, or partially terminated unless the following criteria exist:

- A. The streets in the zone are adversely impacted by the parking of vehicles, during certain hours, by nonresidents of the area;
- B. The land abutting one or both sides of a street designated as part of the zone is either:
  - (1) zoned for residential purposes, that is R-Sa, R-1, R-1x, R2, R3, or R4; or
  - (2) currently being used for low or medium-density residential housing equivalent to that typically found in the aforementioned residential zones;
- C. The land abutting the streets designated as part of the zone contains 30 or more residential dwelling units; and
- D. The zone represents full blocks of street frontage, both sides, measured from intersection to intersection. Where a portion of a block does not comply with the zoning or use criteria identified in paragraph B above, said portion shall be excluded from the residential permit parking zone.

(3745, 12/19/05)

Subd. 2. The effective time of residential permit parking zones will be 7:00 am to 3:00 pm, school days only in zones adjacent to high schools. In all other zones, the effective time will be 8:00 am to 4:00 pm, Monday through Friday. The effective times may be varied from these standard times only with substantial justification. In no case will the effective time be less than six consecutive hours. A residential permit parking zone in existence on June 1,

2004, that varies from this subdivision will remain valid and in effect so long as the zone has an effective time of six or more consecutive hours.

Subd. 3. Nothing in this section shall prevent a person from temporarily parking a school bus in a residential permit parking zone while the person is in between school bus route assignments.

(3826, 7/16/07)

138A.03. Procedure for Establishment of Zones. In order to establish or expand a residential permit parking zone, a person must file with the City Clerk a petition signed by at least 75% of the owners or occupants of property abutting the street described in the proposed zone. Each residential unit and each non-residential facility meeting the eligibility criteria within the proposed zone shall count as one vote in determining if the 75% threshold is met. Unoccupied units are excluded from the calculation of the 75% threshold when reasonable efforts to contact the property owner have been unsuccessful. The City Clerk shall refer the petition to the City Engineer. At a council public hearing, the City Engineer shall provide to the Common Council recommendations regarding establishment or expansion of the proposed residential permit parking zone based on the petition's compliance with the established criteria. At least 14 days prior to the public hearing, mailed notice of said hearing shall be given to the owners or occupants of property abutting a street proposed to be located in the proposed residential permit parking zone. Following the hearing, the Common Council may adopt a resolution establishing or expanding the residential parking zone if it determines the petition satisfies the criteria provided in section 138A.02.

(3745, 12/19/05)

138A.04 Permit Application Procedure. Subdivision 1. A resident of a dwelling unit which abuts a street located within a residential permit parking zone, and any employee of a non-residential facility permitted to locate and operate within the residential permit parking zone, may obtain from the City Clerk an annual permit entitling the resident or employee to park a vehicle therein during a time that parking is restricted. If a street contained within a residential permit parking zone has a no parking zone (at all times) on one or both sides, a resident or employee of property abutting said no parking zone may obtain an annual permit to park in the residential permit parking zone if they would otherwise qualify for said permit. An applicant shall provide information relating to the vehicle for which the permit shall apply and evidence that he or she owns the vehicle and resides in a dwelling unit, or is employed at a non-residential facility that abuts a street located in the residential permit parking zone.

(3693, 2/7/05)

Subd. 2. By resolution, the Common Council may establish an application fee for the initial application, and an annual permit fee for each vehicle permit issued to an applicant or a member of the applicant's household. The annual permit will be valid from the first day of September to the 31st day of August of the following year. The fee will not be prorated for those making an application after the first day of September.

Subd. 3. Temporary Permits.

- A. The City Clerk may issue a Visitor Temporary Permit allowing the permittee who is visiting to park a vehicle in a residential permit parking zone. This permit is valid for a period of time not exceeding 30 days.
- B. The City Clerk may issue an In-Home Assistance Temporary Permit allowing a permittee who provides in-home health care, medical care, house cleaning or providing some other form of in-home assistance to park a vehicle in a residential permit parking zone. The City Clerk will determine the time period during which this Permit will be valid up to one year.
- C. The City Clerk may issue a Landlord Temporary Permit allowing the permittee to park a vehicle in a residential permit parking zone while the permittee is providing property maintenance or inspection services. The City Clerk will determine the time period during which this Permit will be valid up to one year.
- D. The City Clerk will determine which Temporary Permit is valid in which residential permit parking zone and other conditions appropriate for each Permit. The City Council will establish by resolution the fee for each Temporary Permit.
- E. The failure to abide by the conditions of any Temporary Permit shall be the basis by which the City Clerk may seek from the City Council the revocation of the Permit. In any permit revocation proceeding, the permittee shall be afforded an opportunity for hearing after reasonable notice. The notice shall state the time, place and issues

involved. An opportunity shall be afforded all parties to present evidence and argument with respect to the issues involved. The Council's decision shall be in writing, shall be based on the record and shall include the Council's findings of fact and conclusions of law in response to the issues involved.

- F. Any decision of the City Clerk may be appealed to the City Council.

(3724, 8/15/05)

138A.05 Display of Permit. Annual permits shall be permanently affixed to a vehicle. Temporary permits shall be prominently displayed on the vehicle in accordance with instructions issued with the permit.

138A.06. Unauthorized parking prohibited. Subdivision 1.

- A. No person, including a resident along the abutting street, shall park a vehicle in a residential permit parking zone during a time in which parking is restricted unless the vehicle displays a permit issued pursuant to Section 138A.04, in the manner set forth in Section 138A.05.
- B. No person shall place or affix a permit to a vehicle that is not identified in the permit issued pursuant to Section 138A.04.
- C. No person shall use a permit issued pursuant to Section 138A.04 knowing or having reason to know either that the permit was not issued for a vehicle identified in the residential permit parking application or that the person was not the person to whom the permit was issued.
- D. No person shall give or sell a permit issued pursuant to Section 138A.04 to a person not identified on that permit.
- E. No person shall place or affix a permit issued pursuant to Section 138A.04 upon a vehicle not owned by a person identified on that permit.

(3693, 2/7/05)

Subd. 2. The prohibition contained in subdivision 1 of this section shall not be deemed to apply to a vehicle whose operator is engaged in repair work, construction work, lawn care, or in-home medical services at property adjacent to a street within the residential permit parking zone; a delivery vehicle; a vehicle collecting solid waste; a school bus; or a vehicle which is stopped temporarily for the purpose of picking up a passenger. For this exemption to apply, a repair, construction, lawn care, medical services, or delivery vehicle shall be clearly marked as such.

Subd. 3. A permit issued pursuant to section 138A.04 does not excuse the permittee from compliance with all other parking restrictions, including no parking zones, within the residential permit parking zone.

138A.07. Termination of Zones. The Common Council may partially or wholly terminate a residential permit parking zone on its own initiative or in response to a petition from at least 75% of the owners or occupants of property abutting the street contained within the proposed zone termination. If the termination is initiated by petition, the procedure provided in section 138A.03 must be followed.

(3361, 10/17/00; 3359, 10/3/00; 3656, 7/19/04; 3693, 2/7/05; 3724, 8/15/05; 3745, 12/19/05; 3826, 7/16/07)